

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 3, 2004. At the time of the Office Action, Claims 1-13 were pending in this Application. Claims 1-9 and 11-13 were rejected. Claim 10 was objected to but Allowable. Claims 1-11 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Priority

Applicants appreciate Examiner's acknowledgement of Applicants' claim for foreign priority based on an application filed in Germany May 14, 2002 and the PCT Office May 8, 2003. In accordance with 37 C.F.R. 1.55, Applicants enclose a certified copy German Application 102 21 429.8.

Allowable Subject Matter

Applicants appreciate Examiner's consideration and indication that Claim 10 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicants have amended Claim 1 to include the limitation of Claim 10 and provided remarks to the Examiner to overcome this rejection and respectfully request full allowance of Claim 1 as amended. Claims 2-9 depend from amended Allowable Claim 1. Applicants request allowance of Claims 1-9.

Applicants have amended Method Claim 11 to also include that the "flow surface" is "a surface of a flap rotatably arranged in the pipe." Consequently, Applicants submit amended Claim 11, and its dependents are in condition for allowance.

Change of Correspondence Address

Applicants respectfully request that all papers pertaining to the above-captioned patent application be directed to Customer No. 31625 and all telephone calls should be directed to Bruce W. Slayden II at 512.322.2606. Applicants also enclose a copy of the Change of Correspondence Address that was previously filed with the U.S. Patent and Trademark Office on August 30, 2004.

CONCLUSION

Applicants have now made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of Claims 1-9, and 11-13 as amended.

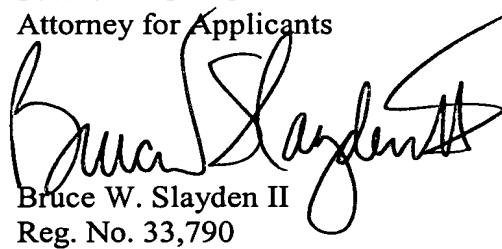
An extension of one (1) month is requested and a Notification of Extension of Time under 37 C.F.R. § 1.136 with the appropriate fee of \$120.00 is attached herewith.

Applicants believe there are no additional fees due at this time, however, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-2148 of Baker Botts L.L.P. in order to effectuate this filing.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2606.

Respectfully submitted,

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SEND CORRESPONDENCE TO:

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Date: Dec. 17, 2004